




**Title VI
Subrecipients
Presented by ARDOT EEO Office
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The purpose of this presentation is to ensure all subrecipients of the Federal Aid Highway Program are aware of the provisions of Title VI of the Civil Rights Act of 1964 and the minimum requirements to be in compliance with its rules, laws, and regulations.



Expected Outcomes

- 
- Understand Title VI
 - Understand Recipients vs Subrecipients.
 - Identify Local Public Agencies.
 - Understand the Statutory and Authorities that governs Title VI.
 - Identify Compliance actions that are required.
 - What to expect in ARDOT's compliance review process.
 - Processing Complaints.
 - Title VI (optional video).
 - Limited English Proficiency (optional video).
 - Identify Funding examples that may require Title VI compliance & reviews.
 - Wrap up - Title VI Compliance.

Background and Purpose



Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d)

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance”

The Arkansas Department of Transportation (ARDOT) is the agency responsible for administering Federal financial assistance through Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) programs in the State.

Background and Purpose




In accordance with **23 CFR 200.9(b)(7)**, ARDOT is required to conduct Title VI reviews of its subrecipients to effectively monitor compliance with Title VI/Nondiscrimination.

In accordance with **23 CFR 200.9(b)(9)**, Title VI laws and regulations training is recommended for any agency receiving federal financial assistance from ARDOT.

ARDOT will provide training in the following area:

- Title VI Overview and Compliance including **Executive Order 13166** Limited English Proficiency.

Recipient vs Subrecipient

A faint, stylized image of the Statue of Lady Justice is visible in the background of the text. She is a female figure with a blindfold, holding a set of scales in her right hand and a sword in her left hand.

A **primary recipient** is an entity or person that **directly** receives federal financial assistance and/or manages a program or activity, which would subject them to Title VI compliance responsibilities. In this situation, ARDOT is the primary recipient. **23 CFR 200.5(n)**

A **subrecipient** is an entity or person that **indirectly** receives federal financial assistance to implement a program, service or activity, which **subjects them to Title VI compliance responsibilities**. A subrecipient may include, but is not limited to, a city, county, metropolitan or regional planning organization, transit agency, college/university, **contractor** or subgrantee. **23 CFR 200.5(n)**

Local Public Agencies



What is a Local Public Agency?



“any city, county, township, municipality, or other political subdivision that may be empowered to cooperate with the State transportation department in highway matters” (23 CFR 635.102)

Statutory and Regulatory Authorities



- **Title VI of the Civil Rights Act of 1964** is a federal law that protects individuals, groups and organizations from discrimination on the basis of race, color or national origin in federally assisted programs and activities. (42 USC 2000d)
- **The Civil Rights Restoration Act of 1987**, further clarified the intent of Title VI to include all programs and activities of entities whether those programs and activities are federally funded or not.
- **The 1970 Uniform Act (42 U.S.C. 4601)** prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of federally assisted programs or activities.
- **American with Disabilities Act of 1990 and Section 504 of the 1973 Rehabilitation Act** (29 U.S.C 790), as amended: Prohibits discrimination on the basis of disability
- **Federal Highway Act of 1973 - Gender Added** (23 U.S.C. 324) Prohibits discrimination on the basis of sex
- **The 1975 Age Discrimination Act** (42 U.S.C 6101), as amended: Prohibits discrimination on the basis of age
- **Executive Order 13166**, Improving Access to Services for Persons with Limited English Proficiency, addresses access to services for persons whose primary language is not English and who have limited ability to read, write, speak or understand English.


Elements of Compliance



- ❖ To ensure compliance with Title VI, subrecipients must implement a system of procedures and actions prohibiting discrimination. Below are some of the required procedures and actions.
 - Designate a Title VI/Nondiscrimination Title VI Coordinator and ADA/504 person who has a responsible position in the organization and has easy access to the head of the agency. The Title VI Coordinator should be responsible for monitoring your Title VI activities.
 - Develop a general nondiscrimination notice which can be posted internally and for viewing to the general public (Brochures, Pamphlets etc..). Where appropriate, publish in languages other than English. Developing a Title VI/Nondiscrimination should communicate how your agency implements the Title VI/Nondiscrimination requirements (including Limited English Proficiency).
 - Develop a Title VI Nondiscrimination Policy Statement signed by the head of the agency, assuring nondiscrimination in your programs and activities that complies with Title VI of the Civil Rights act of 1964 and related Nondiscrimination authorities.
 - Developing Title VI/Nondiscrimination Assurances (U.S. DOT 1050.2A Assurances). Ensure the U.S. DOT Standard Title VI Assurances are signed by the head of your agency.
- ARDOT will supply a copy of the U.S. DOT 1050.2A Assurances if needed.

Elements of Compliance (continued)



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- A faint, stylized image of the Lady Justice statue is visible in the background of the slide. The statue is holding a scale of justice in her left hand and a sword in her right hand. The image is semi-transparent and serves as a background for the text.
- Create an Org Chart.
 - Develop procedures for processing external discrimination complaints. **Report and forward complaints to ARDOT or FHWA. If you are a recipient of FTA Funds, then follow FTA's process.**
 - Have a complaint form that is available to the public.
 - Maintain a list of discrimination complaints and lawsuits.


Elements of Compliance (continued)



- Provide accommodations for Limited English Proficient Persons. Develop a plan that establishes guidelines in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency
 - Develop a public participation process. Provide an opportunity for public involvement in each stage of the planning and development of your agency projects to all segments of the population, including minority or low-income communities and populations who are not proficient in English. During the public participation process make sure your nondiscrimination statement is posted.
 - Collecting and analyzing data to ensure nondiscrimination in programs and activities (where applicable). Develop procedures for the collection of statistical data (race, color, national origin) of participants in and beneficiaries of your programs (e.g., impacted citizens and or communities).
- Your Title VI Plan should indicate how you plan to comply with Title VI.

ARDOT will provide templates as needed or upon request:



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- A faint, stylized background image of a statue of Lady Justice, holding scales of justice and a sword, symbolizing fairness and equity.
- Title VI Nondiscrimination Statement
 - Title VI Nondiscrimination Policy
 - Title VI Assurances
 - Title VI Complaint Process
 - Title VI Complaint Form

Overview of Title VI Compliance Review



ARDOT EEO Office conducts compliance reviews annually of selected subrecipients. A summarized review process is as follows:

1. **Notification:** Subrecipients are notified initially via phone or email, and then by correspondence with accompanied compliance questionnaire for a schedule on-site review.
 2. **On-Site Reviews:** Subrecipients site is visited, compliance questionnaire is discussed and reviewed, findings are documented and or advised upon.
 3. **Post On-site Review:** When subrecipients are found to be in compliance, a compliance letter will be mailed or emailed stating such. If deficiencies are found, improvement opportunities are encouraged and assistance by ARDOT is provided to meet compliance goals.
- **Desk Audit:** Some subrecipients that are selected for desk audits are notified via phone or email to provide electronic documents for ARDOT review. If concerns are discovered during the documents review, an on-site may be scheduled. If subrecipients are found to be in compliance, a compliance letter will be mailed or emailed stating such.

FHWA -Processing Complaints



1. If a sub-recipient of Federal Highway Administration (FHWA) Funds receives a complaint, it must forward it to ARDOT, who will then forward the complaint to the FHWA Arkansas Division Office (Division).
2. All Title VI complaints received by the Division Office will be forwarded to Federal Highway Administration Office of Civil Rights (HCR) for processing and potential investigation.
3. If HCR determines a Title VI complaint against a sub-recipient can be investigated by ARDOT, HCR may delegate the task of investigating the complaint to ARDOT. ARDOT will conduct the investigation and forward the Report of Investigation to HCR for review and final disposition.
4. The disposition of all Title VI complaints will be undertaken by HCR, through either (1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to the Division Office.

FTA-Processing Complaints



According to USDOT regulations, 49 CFR §21.11(b) a complaint must be filed not later than 180 days after the date of the alleged discrimination.

If your agency receives FTA Funds, then follow FTA's process.

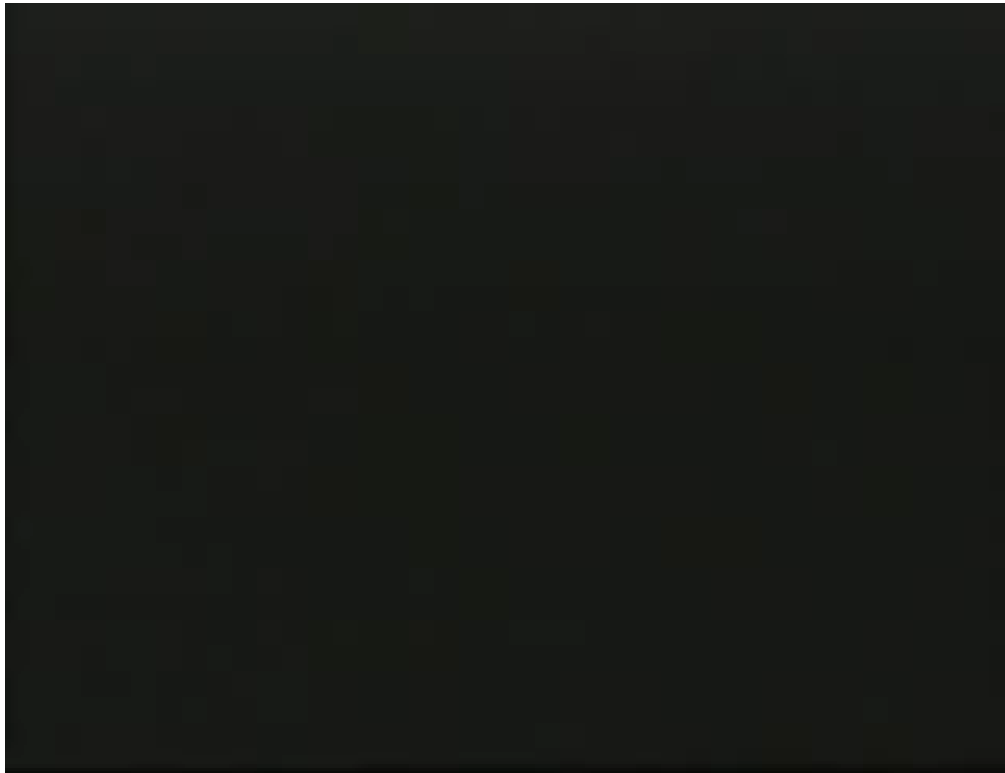
1. Refer the complainant towards the FTA Civil Rights website <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>.

Subrecipients and Contractors



1. Sub-recipients must ensure that all contractors and sub-contractors awarded ARDOT funded contracts adhere to Title VI and all other applicable civil rights laws and regulations.
2. Include Title VI Assurances in all contracts
3. Monitor ethnicity and gender of contractors and subcontractors
4. Consider using Certified Disadvantaged Business Enterprises (DBEs) <http://dbesearch.ardot.gov/>

Understanding and Abiding by Title VI - Optional Video



Executive Order 13166



Improving Access to Services for Persons with Limited English Proficiency.

In Section 2. Federally Conducted Programs and Activities.

- Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities.
- Applicability - Subrecipients should take reasonable steps to ensure that LEP persons are given adequate information, able to understand that information and able to participate effectively in programs or activities. Including the translation of notice of nondiscrimination, public announcements, and complaint forms when applicable. If need be translators should be provided on a case by case basis.

Use the Four Factor Analysis to assist in identifying affects.

- Number or proportion of LEP persons;
- Frequency of contact with the program or activity;
 - Nature and importance of the program; and
 - Resources available.

Limited English Proficiency Video

-Optional Video



Funds for Activities & Services

The Transportation Alternatives Program or TAP

- Construction of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation.
- Construction of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
- Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users.
- Construction of turnouts, overlooks, and viewing areas

Funds for Activities & Services

The Recreational Trails Program or RTP

- new construction
- relocation of existing trails
- major maintenance of existing trails
- bridge purchase and installation
- bridge construction
- interpretive brochures
- trail education materials
- lighting

Funding Examples That Warrants **FHWA** Title VI Compliance and Review



Safe Routes to Schools, Walking Paths, Pedestrian Bridges, Sidewalks, Hiking Trails



Funding Examples That Warrants **FTA** Title VI Compliance and Review



Public Transit



Wrap-up to Title VI Compliance



- Designation of a Title VI Coordinator
- Develop a Title VI Nondiscrimination Statement
- Title VI Assurances – signed annually
- Develop a Title VI Complaint Process and Form
- Dissemination of Title VI Information
- Title VI Training (when applicable or needed)
- Data Collection and Analysis (Keep Track of Demographics - race, color, national origin including limited English proficiency)



Question to consider.....

- How does your processes, activities and services comply with Title VI?



EEO Contact Information

The Department EEO/DBE Section is available to provide you with technical assistance, resources, guidance, and any other information pertaining to Title VI. Should you have any questions or concerns regarding the Title VI Program or this presentation, please do not hesitate to contact us.

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